

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Trustees of the Westchester Putnam Counties Laborers')
Local No. 60 Heavy & Highway Benefit Funds, Welfare,)
Pension, Annuity, Education & Training, Legal Services,) Index # 08-CIV-3404 (WCC)
Industry Advancement and Political Action Funds and)
the Laborers' International Union of North America)
Local No. 60,)
Plaintiffs,)
-against-)
DOREX CORP.,)
Defendant.)

This action having been commenced on April 7, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the Defendant, DOREX CORP., on April 14, 2008 via Secretary of State and said Proof of Service having been filed with the Clerk of the Court on April 21, 2008 and the defendant not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

ORDERED, ADJUDGED AND DECREED: that the plaintiff have judgment against defendant in the liquidated amount of Eighty Eight Thousand Four Hundred Eighty Three Dollars and Twelve Cents (**\$88,483.12**) which includes the following: Benefit Fund Contributions due and owing in the sum of **\$68,472.70** for the period 3/07-5/08; plus liquidated damages calculated at 10% of the principal amount owed to the Benefit Funds in the sum of **\$6,847.27**; interest at the rate 10% per annum for each delinquent month through to May, 2008 in the sum of **\$2,462.25**; attorneys' fees calculated at 15% of the principal delinquency amount in the sum of **\$10,270.90**; plus court costs and disbursements of this action in the sum of **\$430.00**.

ORDERED, that the Judgment rendered by the Court on this day in favor of the Plaintiff's be entered as a final judgment against Defendant and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York
 , 2008

So Ordered:

Honorable William C. Conner, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


Trustees of the Westchester Putnam Counties Laborers')	
Local No. 60 Heavy & Highway Benefit Funds, Welfare,)	
Pension, Annuity, Education & Training, Legal Services,)	Index # 08-CIV-3404 (WCC)
Industry Advancement and Political Action Funds and)	
the Laborers' International Union of North America)	
Local No. 60,)	CLERK'S CERTIFICATE
)	
Plaintiffs,)	
)	
-against-)	
)	
DOREX CORP.,)	
)	
Defendant.)	

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above-entitled action indicate that this action commenced on April 7, 2008 with the filing of the Summons and Complaint; a copy of the Summons and Complaint was served on defendant via Secretary of State on April 14, 2008, and proof of such service thereof was filed on April 21, 2008.

I further certify that docket entries indicate that the Defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: White Plains, New York
June 9, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Trustees of the Westchester Putnam Counties Laborers' Local No. 60 Heavy & Highway Benefit Funds, Welfare, Pension, Annuity, Education & Training, Legal Services, Industry Advancement and Political Action Funds and the Laborers' International Union of North America Local No. 60,)
---	---

Index # 08-CIV-3404 (WCC)

Plaintiffs,

-against-

DOREX CORP.,

Defendant.

AFFIDAVIT FOR JUDGMENT BY DEFAULT

STATE OF NEW YORK)

SS.:

COUNTY OF WESTCHESTER)

Karin Arrospide, Esq., being duly sworn, deposes and says:

1. I am a member of the bar of this Court and am associated with the firm Barnes, Iaccarino, Virginia, Ambinder & Shepherd, PLLC, as the attorneys of record for the Plaintiffs, Trustees of the Westchester Putnam Counties Laborers' Local No. 60 Heavy & Highway Benefit Funds, Welfare, Pension, Annuity, Education & Training, and Legal Services, Industry Advancement and Political Action Funds; (hereinafter referred to as the "FUNDS"); and the Laborers' International Union of North America Local No. 60 (hereinafter referred to as the "Union"), in the above entitled action. I am fully familiar with the facts set forth herein, and I submit this Affidavit in support of plaintiffs' entry of Default and Judgment.

2. Plaintiff Funds are jointly administered, multi-employer, labor management employee benefit trust funds established and maintained pursuant to the terms of various collective bargaining agreements and the Labor Management Relations Act of 1947 (“Taft-Hartley Act”).

3. Defendant DOREX CORP., (hereinafter referred to as “the Employer”) is an Employer within the meaning of Section 3(5) and 515 of ERISA, 29 U.S.C. Section 1002(5) and 1145, and an Employer in an industry affecting commerce within the meaning of Section 301 of the Taft-Hartley Act, 29 U.S.C. Section 185.

4. This is an action to recover certain delinquent benefit fund contributions owed to the Funds and contributions owed to the Union by the Employer pursuant to a Collective Bargaining Agreement (hereinafter referred to as the "C.B.A.") between the Union and the Employer.

5. Defendant as party to the C.B.A. is required to remit to the plaintiff benefit contributions and reports and is liable for the additional amount of statutory damages, together with attorneys' fees, interest on the unpaid principle, liquidated damages on the ERISA Funds costs and disbursements incurred in the action pursuant to the terms of the C.B.A. and in accordance with Section 502 of ERISA, 29 U.S.C. Section 1132.

6. Jurisdiction of the subject matter of this action is based on the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

7. This action was commenced on April 7, 2008 by the filing of a summons and complaint. The summons and complaint was served upon the Defendant on April 14, 2008 via New York's Secretary of State.

8. The Proof of Service was filed with the Clerk of this Honorable Court on April 21, 2008. Copies of the summons, complaint, and proof of service thereof are annexed hereto collectively as Exhibit "A".

9. The defendant has failed and refused to submit benefit fund contributions for the period 3/07-5/08.

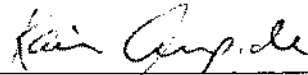
10. Plaintiff is entitled to damages as follows:

(a) In the minimum sum of \$88,483.12 for the period 3/07-5/08, (which includes \$68,472.70 in unpaid contributions to the Funds and Union; \$2,462.25 in interest calculated at ten percent (10%) per annum for each delinquent month through to May, 2008, \$6,847.27 in liquidated damages calculated at 10% of the principal benefit funds amount due and reasonable attorneys' fees in the amount of \$10,270.90 calculated at 15% of the principal amount due and court costs and disbursements in the amount of \$430.00 pursuant to the collective bargaining agreement and in accordance with Section 502 (g)(2)(D) of ERISA 29 U.S.C. 1132 (g)(2)(D)).

(b) For such other and further relief as the Court deems appropriate.

WHEREFORE, plaintiffs request the entry of Default and the entry of the annexed Judgment against defendants in the amount of \$88,483.12.

Dated: Elmsford, New York
May 29, 2008



Karin Arrospide, Esq. (KA9319)
BARNES, IACCARINO, VIRGINIA,
AMBINDER & SHEPHERD, PLLC
258 Saw Mill River Road
Elmsford, New York 10523
(914) 592-1515

Sworn to before me this 29th day
of May, 2008.



Notary Public

CHRISTIE S. ROOS
Notary Public, State of New York
No. 01RO6014276
Qualified in Westchester County
Commission Expires October 5, 2010

CERTIFICATE OF SERVICE

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

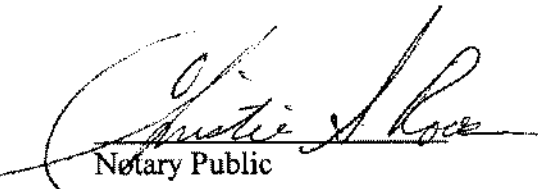
Resa Bernardini, being duly sworn, deposes and says:

I am not a party to the within action, am over the age of 18 years and reside at Westchester County, New York. That on June 20, 2008, I served a true copy of the Order To Show Cause For Default Judgment and supporting documents by mailing same in a sealed envelope with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York addressed to the defendant via certified mail rrr:

Dorex Corp.
592 Route 22
Pawling, NY 12564


Resa Bernardini

Sworn to before me this
20th day of June, 2008.


Notary Public

CHRISTIE S. ROOS
Notary Public, State of New York
No. 01RO6014276
Qualified in Westchester County
Commission Expires October 5, 2010

RECEIPT	
7183 9113 0240 0000 1901	
FROM:	Resa Bernardini
RE:	
PF:	
PB:	
SEND TO:	Dorex Corp. 592 Route 22 Pawling, NY 12564
JUN 20 2008	
ELIENOR NY 10527	
USPS	
FEE:	
Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
TOTAL	\$ 4.64
POSTMARK OR DATE	